

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ALEXANDER SHRIRA, M.D.

Plaintiff,

v.

ORDER  
02-CV-323A

THE STATE UNIVERSITY OF NEW YORK  
AT BUFFALO, et al.

Defendants.

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This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1), on October 18, 2002. Motions to dismiss the amended complaint were filed by defendant University Medical Resident Services on January 31, 2005, and by defendant State University of New York at Buffalo on February 1, 2005. Plaintiff filed a motion for leave to file a second amended complaint on March 28, 2005.

On April 15, 2005, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendants' motions to dismiss the amended complaint be granted. The Magistrate Judge further recommended that the amended complaint as against the newly added defendants be

dismissed *sua sponte*. The Magistrate Judge also dismissed plaintiff's motion to file a second amended complaint as moot.

Plaintiff filed objections to the Report and Recommendation on June 3, 2005. Defendants filed a response on June 16, 2005.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions of the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendants motion to dismiss the amended complaint are granted and the amended complaint is dismissed. The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

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Hon. Richard J. Arcara  
Chief Judge  
United States District Court

Dated: June 24 , 2005